

Issued February 8, 1913.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1933.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING AND ALLEGED ADULTERATION OF SO-CALLED TERPENELESS LEMON OIL.

On July 17, 1912, the United States Attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Charles Dennery, New Orleans, La., alleging shipment by him, in violation of the Food and Drugs Act, on or about September 9, 1911, from the State of Louisiana into the State of Texas of a quantity of so-called terpeneless lemon oil which was adulterated and misbranded. The product was labeled: "Terpeneless Lemon Oil. Not Medicinal. Charles Dennery, Bakers' and Confectioners' Supplies, Utensils and Machinery, New Orleans, U. S. A. Guaranteed by Charles Dennery under the Food and Drugs Act, June 30, 1906."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Citral (Chace), 3.46 per cent; citral (Kleber), 3.55 per cent; optical rotation 20° C. Orig., 60.89; Optical rotation 20° C. 10 per cent Dist., 52.18; index refraction 20° C. Orig., 1.4733; index refraction 20° C. 10 per cent distillate, 1.4633; specific gravity 15.6° C., 0.8543; distillation began at 78° C.; alcohol by volume, 2.06 per cent; iodoform test, positive. Adulteration of the product was alleged in the information for the reason that there had been mixed with genuine lemon oil dilute alcohol in such manner as to abstract from it in part a valuable constituent of the genuine article, to wit, citral, and so as to leave all of the terpenes therein, and so as to reduce, lower, and injuriously affect the strength of the lemon oil; and further, in that an oil of lemon partially exhausted of its flavoring principles, and particularly of citral and containing the terpenes, had been substituted for the terpeneless lemon oil which the label indicated was contained in said packages labeled as set forth above. Misbranding was alleged for the reason that the product was labeled "Terpeneless Lemon Oil,"

when, in truth and in fact, it was not terpeneless lemon oil, but was the same article as set forth above, to wit, lemon oil partially exhausted of its flavoring principles and particularly of citral and containing all the terpenes of lemon oil, and that the label on the product was false and misleading as to the ingredients and substances contained in the package upon which the label appeared and was such as to deceive and mislead the purchaser into believing that the product was terpeneless lemon oil, when, in truth and in fact, it was not, and the label calling it terpeneless lemon oil was false in calling it such for the reason that the product was not terpeneless lemon oil but, on the contrary, was a substance which had been originally lemon oil but which had been partially exhausted of its flavoring principles and particularly of citral and was not terpeneless but on the contrary contained the terpenes usually contained in lemon oil.

On August 23, 1912, the defendant entered a plea of guilty to the charge of misbranding and the court imposed a fine of \$10 and costs. Nolle prosequi was entered as to the charge of adulteration.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., November 12, 1912.

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